

**SETTLEMENT AGREEMENT BETWEEN**  
**MISSOURI REAL ESTATE COMMISSION AND CALEB G. ANTHONY**

Come now Caleb G. Anthony ("Licensee") and the Missouri Real Estate Commission ("Commission") and enter into this settlement agreement for the purpose of resolving the question of whether Licensee's licenses as a broker and broker associate will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo,<sup>1</sup> the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline the Licensee's licenses, and, additionally, the right to a disciplinary hearing before the Commission under § 621.110, RSMo.

Licensee acknowledges that Licensee understands the various rights and privileges afforded Licensee by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by a preponderance of the evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee's own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee and, subsequently, the right to a disciplinary hearing before the Commission at which time Licensee may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against Licensee's licenses. Being aware of these rights provided Licensee by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document, as they pertain to Licensee.

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<sup>1</sup> All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

Licensee acknowledges that Licensee has received a copy of the documents relied upon by the Commission in determining there was cause to discipline Licensee's licenses, along with citations to law and/or regulations the Commission believes were violated.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this Settlement Agreement are true and stipulates with the Commission that Licensee's licenses, numbered 2017040150 (broker) and 2018018196 (broker associate) are subject to disciplinary action by the Commission in accordance with the provisions of Chapter 621 and §§ 339.010-339.205 and 339.710-339.855, RSMo.

Joint Stipulation of Fact and Conclusions of Law

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of Sections 339.010-339.205 and 339.710-339.855, RSMo.

2. Licensee holds three licenses issued by the Commission. Licensee holds a broker associate license, license number 2013033343, issued by the Commission August 26, 2013. Licensee's broker associate license, license number 2013033343 expires June 30, 2020. License number 2013033343 is current and on probation based on the February Order of the Commission as detailed in paragraphs 4 and 5 below. Licensee holds a broker license, license number 2017040150 issued by the Commission November 13, 2017. Licensee's broker license, license number 2017040150 expires June 30, 2020 and is current and active. Licensee also holds a broker associate license, license number 2018018196, issued by the Commission May 17, 2018. Licensee's broker associate license, license number 2018018196 expires June 30, 2020 and is current and active.

3. On or about September 5, 2018, the Administrative Hearing Commission entered its Decision ("Decision") in the case of *Missouri Real Estate Commission v. Nvest Realty Group, LLC, dba Nvest Realty Group, The Good Crew, LLC, N-Vest, Nvest, Nvest Property Management & Realty, Caleb G. Anthony, and Glyn P. Strong, Jr.*, No. 17-1038 RE. In that Decision, the Administrative Hearing Commission found that Respondent Caleb G. Anthony's broker associate license, license number 2013033343 was subject to disciplinary action by the Commission pursuant to § 339.100.2(1), (3), (15) and (16), RSMo.

4. The Commission held a hearing on February 6, 2019, for the purpose of determining the appropriate disciplinary action against Respondent's broker associate license, license number 2013033343. Licensee appeared in person without legal counsel at the February 6, 2019 hearing.

5. Following the hearing, the Commission issued its order, placing Licensee's broker associate license, license number 2013033343 on three (3) years' probation. The Commission's order also prohibited from managing property for any third party through any entity and ordered Licensee to pay a civil penalty in the amount of \$2,500.00.

6. Following the commencement of the matter before the Administrative Hearing Commission but prior to the Commission issuing its decision as described in paragraph 5 above, Licensee applied for and obtained two additional licenses -- license numbers 2017040150 (broker) and 2018018196 (broker associate) as described in paragraph 2 above.

7. Section 339.040.1, RSMo, states, in relevant part:

1. Licenses shall be granted only to persons who present, and corporations, associations, limited liability companies, and professional corporations whose officers, managers, associates, general partners, or members who actively participate in such entity's brokerage, broker-salesperson, or salesperson business present, satisfactory proof to the commission that they:

(1) Are persons of good moral character; and

(2) Bear a good reputation for honesty, integrity, and fair dealing; and

(3) Are competent to transact the business of a broker or broker salesperson in such a manner as to safeguard the interest of the public.

8. Licensee's conduct, as described in paragraphs 3 through 6 above, constitutes cause to discipline Licensee's licenses numbered 2017040150 (broker) and 2018018196 (broker associate), pursuant to § 339.100.2(1), (3), (15) and (16), RSMo.

9. Cause exists for the Commission to take disciplinary action against Licensee's licenses numbered 2017040150 (broker) and 2018018196 (broker associate) under § 339.100.2(1), (3), (15) and (16), RSMo, which states in pertinent part:

2. The Commission may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any state-certified real estate appraiser, state-licensed real estate appraiser, or any person who has failed to renew or has surrendered his or her certificate or license for any one or any combination of the following causes:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

...

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

...

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.100 to 339.180 and sections 339.710 to 339.860\*, or any lawful rule adopted pursuant

to sections 339.100 to 339.180 and sections 339.710 to 339.860\*

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040[.]

Joint Agreed Disciplinary Order

10. Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Commission in this matter under the authority of §§ 536.060, 621.045.4 and 621.110, RSMo.

11. The terms of discipline shall include that **Licensee's licenses, numbered 20170540150 and 2018018196 shall be on probation for three (3) years.** Licensee's broker license, license number 2017040150 and Licensee's broker associate license, license number 2018018196, are hereby placed on PROBATION for three (3) years. During the period of probation on his licenses, Licensee shall be entitled to practice as a real estate broker and broker associate provided he adheres to all the terms stated herein. The period of probation shall constitute the "disciplinary period."

12. **Terms and conditions of the disciplinary period.** Terms and conditions of the disciplinary period are as follows:

- a. During the period of probation, Respondent shall be prohibited from managing property for any third party through any entity.
- b. If at any time during the disciplinary period Licensee wishes to transfer his license affiliation to a new broker/brokerage, he must submit a Broker Acknowledgment form signed by the new broker. This acknowledgement is in addition to any other required application, fee, and documentation necessary to transfer his license. Licensee must obtain the Broker Acknowledgement form from the MREC.

c. Licensee shall keep the MREC apprised at all times in writing of his current address and telephone number at each place of residence and business. Licensee shall notify the MREC in writing within ten days of any change in this information.

d. Licensee shall timely renew his Missouri real estate broker and broker associate licenses, timely pay all fees required for license renewal, and comply with all other requirements necessary to maintain his licenses in a current and active state. During the disciplinary period, Licensee shall not place his licenses on inactive status as would otherwise be allowed under 20 CSR 2250-4.050. Alternatively, without violating the terms and conditions of this Settlement Agreement, Licensee may surrender his real estate licenses by submitting a Surrender of Licensure Rights and Privilege Form to the MREC. If Licensee applies for a real estate license after surrender, Licensee shall be required to requalify as if an original applicant and the MREC will not be precluded from basing its decision, wholly or partially, on the findings of fact, conclusions of law, and discipline set forth in this Settlement Agreement.

e. Licensee shall meet in person with the MREC or its representative at any such time and place as required by the MREC or its designee upon notification from the MREC or its designee. Said meetings will be at the MREC's discretion and may occur periodically during the probation period.

f. Licensee shall immediately submit documents showing compliance with the requirements of this Order to the MREC when requested by the MREC or its designee.

g. During the probationary period, Licensee shall accept and comply with unannounced visits from the MREC's representatives to monitor compliance with the terms and conditions of this Order.

h. Licensee shall comply with all relevant provisions of Chapter 339, RSMo, as amended; all rules and regulations of the MREC; and all local, state, and federal laws. "State" as used herein refers to the State of Missouri and all other states and territories of the United States.

i. Licensee shall not obtain any new licenses from the MREC during the disciplinary period without prior written approval of the MREC.

13. This Agreement does not bind the Commission or restrict the remedies available to it concerning facts or conduct not specifically mentioned in this Agreement that are either now known to the Commission or may be discovered.

14. This Agreement does not bind the Commission or restrict the remedies available to it concerning any future violations by Licensee of Chapter 339, RSMo, as amended, or the regulations promulgated thereunder, or of the terms of this Agreement.

15. All parties agree to pay all their own fees and expenses incurred as a result of this case, its settlement or any litigation.

16. The parties to this Agreement understand that the Missouri Real Estate Commission will maintain this Agreement as an open record of the Commission as provided in Chapters 339, 610 and 324, RSMo.

17. The terms of this Settlement Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

18. Licensee, together with Licensee's heirs and assigns, and Licensee's attorneys, do hereby waive, release, acquit and forever discharge the Commission, its respective members and any of its employees, agents, or attorneys, including any former Commission members, employees, agents,

and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement, or from the negotiation or execution of this Settlement Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Settlement Agreement in that it survives in perpetuity even in the event that any court of law deems this Settlement Agreement or any portion thereof to be void or unenforceable.

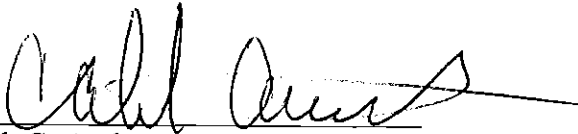
19. If no contested case has been filed against Licensee, Licensee has the right, either at the time the Settlement Agreement is signed by all parties or within fifteen days thereafter, to submit the Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the Settlement Agreement constitute grounds for denying or disciplining the license of Licensee. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit this request to: **Administrative Hearing Commission, P.O. Box 1557, United States Post Office Building, 131 West High St, Jefferson City, Missouri 65101.**

20. If Licensee has requested review, Licensee and Commission jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensee's licenses and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's licenses. Effective the date the Administrative Hearing Commission determines that the Agreement sets forth cause for disciplining Licensee's licenses, the agreed upon discipline set forth herein shall go into effect. If the Administrative Hearing Commission issues an order stating that the Settlement Agreement does not set forth cause for discipline, then the Commission may proceed to seek discipline against Licensee as allowed by law. If the Licensee does not submit the agreement to the Administrative Hearing



Commission for determination, the agreement shall become effective fifteen (15) days following the signature of the Commission's Executive Director.

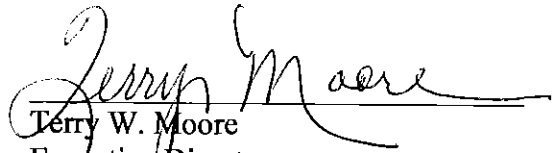
**LICENSEE**



Caleb G. Anthony

Date 4-16-19

**COMMISSION**



Terry W. Moore  
Executive Director  
Missouri Real Estate Commission

Date APRIL 23, 2019